

Planning & Development Report to
Calgary Planning Commission
2019 June 20

ISC: UNRESTRICTED
CPC2019-0733

Policy Amendment – Banff Trail Area Redevelopment Plan (Ward 7)

EXECUTIVE SUMMARY

This report recommends two minor policy amendments to the *Banff Trail Area Redevelopment Plan* (ARP) in response to Council direction.

The first amendment will remove the ‘Special Study Area’ from the ARP. The *Banff Trail ARP* currently contains Special Study Area policy to preserve a number of blocks of land adjacent to the Crowchild Trail and 24 Avenue NW intersection for potential future improvements to Crowchild Trail. The Crowchild Trail Study has now been completed and, as such, Council directed Administration to update affected ARPs.

The second amendment will add text to the ARP that acknowledges the existence of a restrictive legal caveat and confirms The City’s support of the vision of the ARP. This amendment was prepared as directed by Council and will add language to the ARP intended to inform readers on the presence of the caveat and make clear that there are conflicts between the caveat and ARP direction.

ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed amendments to the Banff Trail Area Redevelopment Plan (Attachment 1); and
2. Give three readings to the proposed bylaw.

RECOMMENDATION OF THE CALGARY PLANNING COMMISSION, 2019 June 20:

Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed amendments to the Banff Trail Area Redevelopment Plan (Attachment 1); and
2. Give three readings to the **Proposed Bylaw 56P2019**.

PREVIOUS COUNCIL DIRECTION / POLICY

At its meeting on 2017 May 08, Council adopted the recommendations in the Crowchild Trail Study – Final Report, TT2017-0329, including the following recommendation:

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4. Direct Administration to bring updates to affected Area Redevelopment Plans (ARPs) to align with the Crowchild Trail Study;

At its meeting on 2019 May 27, Council adopted Administration's recommendations, PUD2018-0819, that Council:

2. Direct Administration to amend the Banff Trail Area Redevelopment Plan to include policy that acknowledges the existence of a restrictive legal caveat affecting parcels within Banff Trail, and that addresses the misalignment between the caveat and the objectives of the Area Redevelopment Plan.

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BACKGROUND

On 2016 October 05, Council approved amendments to the *Banff Trail Area Redevelopment Plan* to identify areas which would be appropriate for modest redevelopment and to update relevant ARP policy to allow for this redevelopment. The amendments also included the provision of a Special Study Area that was intended to recognize the work that was being undertaken as part of the Crowchild Trail Study and defer changes to land use within this area until the completion of the Study.

On 2017 May 08, Council approved the recommendations of the Crowchild Trail Study Final Report (TT2017-0329). These recommendations included direction for Administration to bring updates to affected Area Redevelopment Plans so that they would align with the results of the Study.

Administration has reviewed all the affected ARPs and determined that only the *Banff Trail ARP* requires amendments at this time in order to ensure alignment with the results of the Crowchild Trail Study.

On 2019 May 27, Council directed Administration (PUD2018-0819) to include policy in the *Banff Trail ARP* to acknowledge the existence of a caveat which is registered on many parcels in the community. That direction was provided to assist property owners in discharging the caveat, allowing for the implementation of City policies and the current vision of growth for Banff Trail.

Site Context

The community of Banff Trail is located in the northwest quadrant of the City, just east of the LRT right-of-way and Crowchild Trail NW and north of 16 Avenue NW. The Special Study Area is focused around the intersection of Crowchild Trail NW and 24 Avenue NW as this area had the potential to be impacted by infrastructure improvements.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The proposed amendments will respond to two separate Council directions and allow for redevelopment to take place in alignment with the objectives of applicable policies as discussed in the Strategic Alignment section of this report.

The first amendment focuses on the Crowchild Trail Study, which provided recommendations for short, medium, and long-term changes and upgrades to Crowchild Trail, from 17 Avenue SW to 24 Avenue NW. The recommendations for changes and upgrades to Crowchild Trail are a well-balanced plan that meets City Corridor Study Policy key objectives to maintain and enhance bordering communities, improve travel along the corridor, and improve mobility across the corridor. The medium-term plan recommended an interchange at 24 Avenue NW, removing the signals from Crowchild Trail. The Study determined that the land within the Special Study Area was not required in support of the medium-term plan, however there would be impacts to vehicular access for those lands near to Crowchild Trail. As a result, Administration is

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proposing to amend the *Banff Trail ARP* to remove the Special Study Area and allow for development to proceed within the area.

The second amendment (Attachment 1) focuses on adding language to the ARP to address a caveat which conflicts with the policy vision for the community. During an investigation of potential City-initiated land use redesignations in Banff Trail Administration discovered that a caveat was registered on many parcels in the community. The caveat (Attachment 2), which is disclosed on title, restricts development to one and two-unit dwellings per parcel and conflicts with the policies of the *Banff Trail ARP*. Similar caveats are registered throughout Calgary in many older, established neighbourhoods. This specific caveat was established in 1952 and was implemented to provide additional development guidance to the area and includes regulations regarding footprint, use, and height. The full extent of the area covered under the caveat is estimated that it would be applied to hundreds of parcels in Banff Trail.

Through PUD2018-0819, Administration established that the provisions of the caveat are outdated and no longer conform to the long-term planning vision of Banff Trail as contained in the ARP. Many of the parcels where the caveat is currently registered have now been identified for higher intensity residential uses through the ARP, however, there is currently no language or guidance contained to support and address the caveat and its restrictive impact on development.

Stakeholder Engagement, Research and Communication

Administration notified the Banff Trail Community Association of the proposed amendments. No comments were provided on the amendments.

During the investigation for TT2017-0329 and PUD2018-0819 Administration undertook robust engagement with the local communities, including online and in person communication. A summary of that engagement was prepared and presented to Council as part of the directing reports.

Following Calgary Planning Commission, notification for the date of the Public Hearing will be advertised.

Strategic Alignment

South Saskatchewan Regional Plan (2014)

This area is located within the City, Town area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. While the SSRP makes no specific reference to this area, the amendments are consistent with policies on Land Use Patterns.

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Municipal Development Plan (Statutory – 2009)

The community of Banff Trail is largely located within the Developed Residential – Inner City Area as identified on Map 1: Urban Structure, of the *Municipal Development Plan* (MDP).

The proposed amendments to the ARP are in keeping with MDP policies.

Banff Trail Area Redevelopment Plan (Statutory – 1986)

The *Banff Trail Area Redevelopment Plan* (ARP) was adopted in 1986 and has been amended over the years including the Council directed amendments in 2016. The purpose of the 2016 amendments were to identify areas which would be appropriate for modest redevelopment and to update relevant ARP policy to allow for this redevelopment. As part of the same amendments a Special Study Area was identified around the intersection of 24 Avenue NW and Crowchild Trail NW to recognize the work that was being undertaken at the time as part of the Crowchild Trail Study. While the ARP amendments supported more intensive development around this intersection, it was recognized that the Crowchild Trail Study could impact roads and adjacent properties in the area. The Special Study Area policy recommended that no changes to land use take place within this area until the completion of the Crowchild Trail Study.

The Crowchild Trail Study has now been completed and Administration is aware of the potential impacts to the adjacent properties. As these impacts can now be dealt with through the land use amendment and development permit process, it was determined that the Special Study Area could be removed.

The *Banff Trail ARP* currently does not contain information on the caveat and its implications on redevelopment. To assist property owners who wish to remove the caveat, and to support the vision and implementation of the current City policies, it is recommended that specific policy language (Attachment 2) be included in the *Banff Trail ARP* that acknowledges the restrictive legal caveats and the misalignment of the caveat with the vision and objectives of growth for these areas. This additional language will provide clarity to landowners where there is inconsistency between the caveat and the ARP policy direction for increased density, that The City will support the policy. Further, this would provide supportive language from The City for any court applications for the removal of the caveat on an individual basis, thus having the result of encouraging the ARP policies.

Social, Environmental, Economic (External)

The proposed amendments would allow more intensive redevelopment for those parcels affected by the Special Study Area and as such, this area may better accommodate the housing needs of different age groups, lifestyles and demographics within walking distance of an LRT Station.

The additional information on the caveat will support implementation of the vision of *the Banff Trail ARP* which provides for land use that offers a broad range of housing choice and supports a diverse population in this area. The availability of all housing types will help increase

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inclusivity and promote equitable access to housing regardless of age, income, culture, or physical ability.

Financial Capacity

Current and Future Operating Budget

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget

The proposed amendment does not trigger capital infrastructure investment and therefore there are no growth management concerns at this time.

Risk Assessment

There are no significant risks associated with this proposal.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to the *Banff Trail Area Redevelopment Plan* remove the Special Study Area that is no longer required, as per the Crowchild Trail Study, and will add information on a caveat which is registered against many parcels in the community.

The removal of the Special Study Area will allow for development of the affected lands in alignment with the Area Redevelopment Plan policies and the *Municipal Development Plan*. The addition of language addressing the existing restrictive caveat will provide support for the long-term redevelopment vision of the policy and will assist property owners in discharging the caveat.

ATTACHMENT(S)

1. **Proposed Bylaw 56P2019**
2. Copy of Caveat